

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PHILIPS F. SMITH,)	
)	
Petitioner,)	8:16CV399
)	
v.)	
)	
SCOTT FRAKES,)	MEMORANDUM AND ORDER
)	
Respondent.)	
)	

I have given the Petitioner an opportunity to amend his habeas corpus petition in order to comply with [Rule 2\(d\) of the Rules Governing Section 2254 Cases](#). (Filing no. [7](#).) Like last time, Petitioner persists in attaching confusing materials that appear to have been copied from other cases.

In any event, I cannot determine what claims are made in this federal case. See filing no. [9](#) and then compare pages 5-10 to pages 11-20 and those pages to pages 21-30. Are all, some or none of those “claims” asserted here? Still further, Petitioner improperly persists in making arguments in his amended petition rather than merely stating claims. This causes even more uncertainty.

In short, the proposed amended petition is facially insufficient in that it does not comply with [Rule 2\(d\) of the Rules Governing Section 2254 Cases](#). I warned Petitioner that if he failed to comply with the Rule, I would dismiss this case without prejudice. Accordingly,

IT IS ORDERED that the motion to amend is denied (filing no. [8](#)) and this matter is dismissed without prejudice. A separate judgment will be issued. No certificate of appealability is issued.

DATED this 3rd day of October, 2016.

BY THE COURT:
s/ Richard G. Kopf
Senior United States District Judge